

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBINSON PERALTA,

Plaintiff,

-v-

CITY OF NEW YORK, et al.,

Defendants.

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21-CV-6395 (JMF)

VALENTIN ORDER

JESSE M. FURMAN, United States District Judge:

Plaintiff, who is appearing *pro se* and proceeding *in forma pauperis*, brings this action under 42 U.S.C. § 1983, alleging that officers employed with the New York City Police Department (“NYPD”) followed and harassed him during a ten-year period, without cause. Plaintiff sues Defendants Hansel Salcedo and Daniel Wynne. However, the U.S. Marshals Service was unable to serve Defendant Salcedo at the address provided by the New York City Law Department in response to an earlier *Valentin* Order. *See* ECF Nos. 41, 49, 57.

Under *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. *Id.* at 76. As noted in the Court’s prior *Valentin* Order, ECF No. 41, the Amended Complaint supplies sufficient information to permit the New York City Law Department, which is representing Defendant Wynne, *see* ECF No. 56, to identify Defendant Salcedo, as described by Plaintiff, *see* ECF No. 12, at 11. It is therefore ordered that the New York City Law Department shall provide more information to enable Defendant Salcedo to be served, including an updated address, as appropriate. The New York City Law Department shall provide this information to Plaintiff and the Court **within 30 days of the date of this Order**.

In addition, by separate Order to be entered today, the Court is referring this case to the assigned Magistrate Judge for general pretrial purposes. As such, going forward, the Magistrate Judge will supervise scheduling, discovery, non-dispositive pretrial motions, and settlement. To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. If the parties consent to having the Magistrate Judge decide the case, the Magistrate Judge replaces the District Judge, thereby speeding up the resolution of the case (because only one judge instead of two will be involved in the case). Any appeal from a Magistrate Judge’s decision following consent is appealed directly to the United States Court of


Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

If both parties consent to proceed before the Magistrate Judge, counsel for Defendant must, **within two weeks of the date on which Defendant enters an appearance**, file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this Order (and also available at <https://www.nysd.uscourts.gov/node/754>). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before the undersigned. An information sheet on proceedings before magistrate judges is also attached to this Order. If any party does not consent to having the Magistrate Judge decide this case, there will be no adverse consequences.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: July 22, 2022
New York, New York



JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT

for the

Southern District of New York

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

*District Judge's signature*_____
Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.



**United States District Court
Southern District of New York**

**UNITED STATES MAGISTRATE JUDGES:
REFERRALS AND CONSENTS**

All cases in the Southern District of New York are assigned to two judges: a district judge and a magistrate judge. District judges are appointed for life terms by the President. Magistrate judges are selected by a majority vote of the district judges in the particular district and serve terms of eight years.

Referrals to the Magistrate Judge. The district judge assigned to your case may refer the case to a magistrate judge for specific purposes. Commonly, the referral will be for the magistrate judge to conduct the proceedings that occur before trial, such as resolving discovery disputes or presiding over settlement conferences. A referral may also be made for the magistrate judge to issue to the district judge a report and recommendation on how to resolve a motion, such as a motion to dismiss or a motion for summary judgment. The consent of the parties is not needed for the district judge to refer the case to the magistrate judge for these purposes. If the district judge has made such a referral, you can ask the district judge to review any magistrate judge's decision by filing an objection with the district judge within fourteen days of that decision. The district judge will rule on any timely objections that you file. If you do not file an objection, you will give up your right to challenge the magistrate judge's decision at a later time, including on appeal. *See* Rule 72 of the Federal Rules of Civil Procedure.

Consent to Proceed Before the Magistrate Judge. If you would like your case to move more quickly, it is helpful to consent to proceed before the magistrate judge for all purposes, including any trial. If you consent, the magistrate judge will perform the identical function that the district judge would have performed. Any trial in your case would be either a jury or a nonjury trial, depending upon whether there is a right to a jury trial and a proper request for such a trial. The only difference is that the magistrate judge – and not the district judge – would preside over that trial. Cases that proceed for all purposes before a magistrate judge generally move more quickly than cases before a district judge. If you consent to proceed before the magistrate judge, the district judge plays no further role in the case. Any appeal is taken directly to the Court of Appeals. It is your choice whether or not to consent to proceed before the magistrate judge, and all parties must consent or the case will not proceed before the magistrate judge.

A copy of the appropriate consent form is attached. Additional forms are also available from the Pro Se Office and on the Court's website.

**THE DANIEL PATRICK MOYNIHAN
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007-1312**

**THE CHARLES L. BRIEANT, JR.
UNITED STATES COURTHOUSE
300 QUARROPAS STREET
WHITE PLAINS, NY 10601-4150**

**PRO SE OFFICE
(212) 805-0175**